

REMARKS

Claims 33-61 and 65-67 were presented for examination in the present application and remain pending upon entry of the instant amendment, which is respectfully requested. Claims 33 and 67 are independent.

The Office Action objected to claims 33 and 67. Claims 33 and 67 have been amended to obviate these objections, namely to recite that "the OLED comprises layers". Applicants submit that these amendments merely make explicit what had been implicit in the claims. Accordingly, reconsideration and withdrawal of the objection to the claims are respectfully requested.

Independent claim 33, as well as dependent claims 35-42, 45-48, 50-51, 58-61, and 65-66 were rejected under 35 U.S.C. §103 over U.S. Publication No. 2001/0030320 to Budd et al. (Budd) in view of newly cited U.S. Patent No. 6,802,619 to Ohizumi et al. (Ohizumi). Dependent claims 34 and 52-57 were rejected under 35 U.S.C. §103 Budd and Ohizumi in further view of U.S. Patent No. 5,550,676 to Ohe (Ohe). Dependent claims 43-44 were rejected under 35 U.S.C. §103 Budd and Ohizumi in further view of U.S. Publication No. 2003/0127973 to Weaver et al. (Weaver). Dependent claim 49 was rejected under 35 U.S.C. §103 Budd and Ohizumi in further view of U.S. Patent No. 6,777,871 to Duggal (Duggal). Applicants respectfully traverse these rejections.

Independent claim 33 recites that the OLED comprises "layers that are deposited directly on the light entry surface of the light-guiding device (emphasis added)".

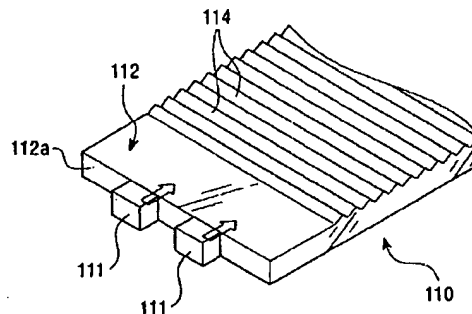
The Office Action acknowledges that the OLED 10 of Budd is not directly deposited on the light entry surface of the light-guiding device. Rather, the Office Action asserts that "**placement of OLED's directly** on the light entry surface of light-guides is well-known in the art and is specifically disclosed in Ohizumi (emphasis added)". See page 3, lines 14-17 of the Office Action dated June 9, 2008.

Applicants respectfully traverse this assertion. Specifically, Applicants submit that mere "placement" of an OLED directly on a light entry surface as asserted by the Office Action fails to disclose or suggest OLED layers that are deposited directly on the light entry surface of the light-guiding device as recited by independent claim 33.

Ohizumi is the only evidence offered by the Office Action to establish its assertion. Ohizumi merely discloses light sources 111 disposed at an end face 112a. The light sources 111 are point light sources such as white LEDs (Light Emitting Diodes) or organic EL (Electro Luminescence) elements, and are arranged so as to emit light toward the end face 112a of the light guide panel 112. However, since the front light 110 has a structure in which the point light sources 111 are placed at the end face 112a of the light guide panel 112, the intensity of the light introduced into the light guide panel 112 is inevitably nonuniform, and as a result, light emitted from the emergent surface is also nonuniform. See col. 1, lines 33-65.

Moreover, as shown in Figure 11, which is reproduced below for clarity, the light sources 111 are clearly shown by Ohizumi to be a ***separate part*** that is merely attached to the end face 112a.

FIG. 11
PRIOR ART



Accordingly, Applicants respectfully submit that no where in Ohizumi is it disclosed or suggested that the mere ***placement*** of the light sources 111 on end face 112a is accomplished by depositing the OLED layers directly on the end face 112a.

Instead, Applicants submit that the disclosure of Ohizumi is not enabling for the teaching asserted by the Office Action. "In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure'... ." *In re Hoeksema*, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). A reference contains an "enabling disclosure" if the public was in possession of the claimed invention before the date of invention. "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his [or her] own knowledge to make the claimed invention." *In re Donohue*, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985).

Applicants submit that the asserted portion of Ohizumi does not provide a disclosure sufficient to prove that the public was in possession with respect to depositing the OLED layers directly on the light entry surface of the light-guiding as claimed.

Therefore, Applicants submit that Ohizumi does not cure the deficiencies noted by the Office Action in Budd. The Office Action fails to assert the remaining references, namely Weaver, Ohe, and Duggal, cure the deficiencies noted in Budd.

Accordingly, claim 33, as well as claims 34-61 and 65-66 that depend therefrom, are in condition for allowance over the cited art. Reconsideration and withdrawal of the rejection to claims 33-61 and 65-66 are respectfully requested.

Applicants further traverse the rejection of dependent claims 50 and 51.

Claim 50 recites that the light entry surface is arranged obliquely to the light guidance direction, while claim 51 recites that the light entry surface is curved.

The court held that the configuration of the claimed disposable plastic nursing

container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

The present application provides, at least in paragraph [0031], with respect to the light entry surface being arranged obliquely to the light guidance direction of claim 50 that:

Furthermore, the light entry surface can be arranged obliquely to the light guidance direction. It is thereby possible to ***enlarge the light entry surface by comparison with a perpendicular arrangement*** in relation to the light guidance direction. An OLED of larger area can also be coupled correspondingly, ***it thereby being possible to increase the luminous intensity of the element***. The average direction of light propagation is understood as the light guidance direction in this case. The component beams can, however, certainly run at an angle to this direction and be reflected at the surface of the light-guiding device such that they follow a zigzag path about this direction. Moreover, owing to the oblique arrangement it is possible to adapt the angular distribution of the light reflected by the OLED to the critical angle of total reflection in the light-guiding device, and to optimize it.

Thus, when using OLED layers that are deposited directly on the light entry surface of the light-guiding as in claim 33, it has been further determined by the present application that the combination recited by claim 50 allows for significant benefits simply not contemplated by the cited art.

Further, the present application provides, at least in paragraph [0032], with respect to the light entry surface being curved of claim 51 that:

Moreover, ***the angular distribution of the emitted light can also be adapted with the aid of a suitably curved light entry surface***. For example, the light entry surface can be curved concavely or convexly or in the shape of a cylindrical lens.

Thus, when using OLED layers that are deposited directly on the light entry surface of the light-guiding as in claim 33, it has also been further determined by the present application that the combination recited by claim 51 allows for significant

benefits simply not contemplated by the cited art.

Accordingly, Applicants submit that claim 50 and claim 51 are not disclosed or suggested by the cited art.

Independent claim 67 was rejected under 35 U.S.C. §103 over Budd and Ohizumi in further view of Ohe. Applicants respectfully traverse this rejection.

Claim 67, similar to claim 33 discussed above, recites that the OLED layers are "deposited directly on the light entry surface of the light-guiding device (emphasis added)".

Again, Applicants submit that the mere "placement" of an OLED directly on a light entry surface as in Ohizumi fails to disclose or suggest OLED layers that are deposited directly on the light entry surface of the light-guiding device as recited by independent claim 67. Further, Applicants submit that the asserted portion of Ohizumi does not provide a disclosure sufficient to prove that the public was in possession with respect to depositing the OLED layers directly on the light entry surface of the light-guiding as claimed.

Therefore, Applicants submit that Ohizumi does not cure the deficiencies noted by the Office Action in the combined disclosures of Budd and Ohe. The Office Action also fails to assert that the remaining references, namely Weaver, and Duggal, cure the deficiencies noted in the combination of Budd and Ohe.

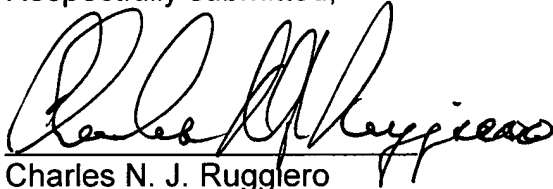
Accordingly, Applicants submit that independent claim 67 is in condition for allowance over the cited art. Reconsideration and withdrawal of the rejection to claim 67 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

In the alternative, Applicants submit that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment, at least for the purposes of appeal, are respectfully requested.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N. J. Ruggiero", is written over a horizontal line.

Charles N. J. Ruggiero

Reg. No. 28,468

Attorney for Applicant(s)

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th floor

Stamford, CT 06901-2682

Tel: (203) 327-4500

Fax: (203) 327-6401

November 10, 2008